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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/579,931      | 05/19/2006  | Johannes Maria Pleunis | NL 031365           | 3700             |

24737 7590 01/04/2011  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

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| EXAMINER |
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BASIT, ABDUL

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| ART UNIT | PAPER NUMBER |
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3694

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| MAIL DATE | DELIVERY MODE |
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01/04/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                         |  |
|------------------------------|------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>     |  |
|                              | 10/579,931             | PLEUNIS, JOHANNES MARIA |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>         |  |
|                              | ABDUL BASIT            | 3694                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to Applicant's remarks and amendments received on 10/21/10.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 12 and 13 have been amended include "an intuitive indication of data content." The term "intuitive" is indefinite and should be amended or removed. Since all other claims are dependent upon claims 1, 12 and 13, they are also rejected under 35 U.S.C. 112.

Further claims 1, 12 and 13 are indefinite for reciting a token that has data content representing data content in the data store; and then further reciting at the end of the claim that the token does not include data content that is in the data store. Since these two claim features contradict each other, claims 1, 12 and 13 are indefinite.

Since the claims are unclear, in light of the amendments, the claims are examined taking into consideration the indefinite aspect of the independent claims.

#### **Response to Applicants Remarks and Amendments**

The Applicant asserts that claims 1, 12 and 13 are not anticipated by the Clark or Selinfreund references.

Regarding the Clark reference, the Applicant asserts that Clark does not teach a token that does not include the data content. The Applicant makes a similar assertion regarding Selinfreund. However, since the claims are indefinite due to the contradiction created by the claim language, the claims are examined in the best light possible. Thus, the Clark and Selinfreund references anticipate the claims.

Furthermore, both the Clark and Selinfreund references disclose optical technology for reading from an optical disk.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark (US Pat. No. 5,175,720)

#### **Regarding claim 1:**

Clark teaches an electronic system for providing visible user physical feedback via at least one data token, comprising:

(a) computing means; (*see col. 4, lines 5-15 teaching a computer system*)

(b) a data store coupled to said computing means for at least one of (i) inputting data

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content to and (ii) outputting data content from the data store; *(see col. 4 lines 5-15 teaching computer system)* and

(c) token interfacing means coupled to said computing means for interfacing to said at least one data token detachable from the token interfacing means of the system, said at least one token for providing an intuitive indication of data content representing data content in the data store *(see col. 2 lines 50-65 teaching a disk that is the token that includes data content)*

wherein the computing means of the system performs user-selectable operations in response to said at least one token being spatially presented to the token interfacing means of the system, the user-selectable operations including at least one of delete, read, write, and rearrange corresponding data content to/from the data store associated with said at least one token (i) to read from said at least one token, using the token interfacing means, details of said data content to identify said data content in the data store and/or (ii) to record on said at least one token, using the token interfacing means, one or more details of said user-selectable operations so that said one or more details include user-readable visible information and details that are optically readable via a user from said at least one token wherein in response to being user-inspected *(see at least col. 2 lines 50-65, col. 3 lines 1-15, col. 4 lines 5-20 teaching recording and rearranging data such as permanent and temporary recordings)*

said at least one token further being a representation in tangible form of corresponding data content stored in the data store, the at least one token themselves not including

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the corresponding data content stored in the data store. (see col. 2 lines 60-65 and abstract teaching a tangible product - disk)

Further, Clark teaches optical technology *(see at least col. 1 lines 10-20 teaching optical technology)*

**Regarding claim 2:**

Clark teaches a system according to claim 1, wherein the token interfacing means is subdivided into spatial sub-regions, each sub-region being associated with a specific type of corresponding user-selectable operation on the data content represented by said at least one token when in response to being presented in spatial proximity of said corresponding sub-region. *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaching different sub-regions)*

**Regarding claim 3:**

A system according to claim 1, wherein the token interfacing means is arranged to be capable of handling a pack comprising a plurality of said at least one token and performing said user-selectable operation on at least one token in the pack. *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaching a disk that can be used)*

**Regarding claim 5:**

Clark teaches a system according to claim 1, wherein said at least one token is provided with:

(a) a first region susceptible to being user-marked with user optically-readable

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information; *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaches user areas)*  
and

(b) a second region susceptible to presenting information optically, said second region being arranged to be written to from the token interfacing means of the system for providing a user optically-readable indication of data content associated with said token.

*(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaches system areas)*

**Regarding claim 6:**

Clark teaches a system according to claim 1, wherein the computing means of the system ~~is arranged to interrogate~~ interrogates, via the token interfacing means, said at least one token when in response to a corresponding at least one token being spatially presented to the token interfacing means of the system, for indicating to the system~ user-preferred data content to be subject to said user-selectable operation. *(see at least col. 2 lines 60-65 and col. 3 lines 1-15 teaching system areas)*

**Regarding claim 7:**

Clark teaches a system according to claim 6, wherein the computing means of the system interrogates, via the token interfacing means, said at least one token is by at least one of: radio interrogation, optical interrogation, contact electrical interrogation, and magnetically-coupled electrical interrogation. *(see at least col. 1 lines 1-15)*

**Regarding claim 8:**

Clark teaches a system according to claim 6, wherein said at least one token is provided with a unique identification code for use in enabling the computing means of the system, via the token interfacing means, to identify said at least one token and

thereby data content associated with said at least one token. (*see col. 5 lines 7-15*)

**Regarding claim 11:**

Clark teaches a plastic substrate (*see at least col. 3 lines 35-45*)

**Regarding claim 12: See claim 1**

**Regarding claim 13: See Claim 1**

3. Alternatively, the above claims can be also rejected under 35 U.S.C. 102(e) as being anticipated by Selinfreund (US Pat. No. 2005/0050343). Selinfreund teaches an optical disk that is optically interrogated (see paragraph 3) and is a token that can be entered into a computing device (see Fig. 1 - part 1 is a data processing apparatus). Further, Selinfreund teaches sub regions on the disk that can be used for different applications (see paragraph 70) that has a unique/security code (see paragraph 75 and 76). Further, Selinfreund teaches a plastic substrate (see paragraph 61). Further, this would make claims 4 and 9 also anticipated by Selinfreund with the same citations given below and claim 10 would be also rejected under 35 U.S.C. 103 as being obvious over Selinfreund in view of Pan for the reasoning given below.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Selinfreund

**Regarding claim 4:**

Selinfreund, not Clark, teaches a system according to Claim 1, wherein the computing means prevents said data content from being subject to at least a subset of said user selectable operations in response to a corresponding token being spatially remote from the token interfacing means. *(see paragraph 10 – prevents reading data, paragraph 5 – device has to have a specific signal for reading)*

It would have obvious to one of ordinary skill in the art to try to implement security measures as to prevent data from being read if it is not being read by a specified device.

**Regarding claim 9:**

Selinfreund, not Clark, teaches a system according to Claim 1, wherein said at least one token is provided with at least one corresponding region which is susceptible to being electronically programmed by the system to present visual information provided from the system, said visual information being related to data content associated with said at least one token. as opposed to bearing the actual data content. *(see at least Fig.1 teaching a visual display of the related data content)*

It would have been obvious to one of ordinary skill in the art to use a disk to display data that has visual information associated with it and is visible on a display.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Selinfreund in view of Clark and in further view of Pan.

**Regarding claim 10:**

Pan, not Clark, teaches a system according to Claim 9, wherein said at least one region is provided with electrically-writable ink for use in providing user-readable visual information of data content associated with said at least one token. (*see at least abstract*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to use electrically writeable ink since this methods allows for identification of the token and the data associated with the token.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is 571-272-5506. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ABDUL BASIT/  
Examiner, Art Unit 3694

/KIRSTEN S APPLE/  
Primary Examiner, Art Unit 3694